

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-39 were pending prior to the Office Action. No claims have been added or canceled through this reply. Therefore, claims 1-39 are still pending. Claims 1, 5, 23, 25, 32, 36, and 38 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

OFFICIAL ACTION

Preliminary Comments

Request for Evidence

Applicants previously amended independent claims to move prosecution forward by further clarifying the patentably distinct features of the invention by adding features not disclosed or inherent to the cited references.

As stated above, the amended features (of claims 1 and 5) are not inherent (as will be discussed in further detail below) and Applicants respectfully request, if the rejections are to be maintained, that the Examiner provide evidence for the following:

A) transmitting a function change completion signal to the data reception apparatus indicating the function changing is complete and transmission of data is possible as stated to be inherent in regards to claim 1, and

B) the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption when the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus as stated to be inherent in regards to claim 5.

Claim Rejection - 35 U.S.C. § 102(e)

Claims 1, 5, 17-19, 21, 28, 32-33 and 36-38 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Dureau (U.S. Patent Publication No. 2003/0135860 A1). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Dureau fails to teach or suggest each and every claimed element.

Argument 1) features of claim 1 not taught by Dureau:

Independent claim 1 recites, *inter alia*, “based on an occasion the data communication functions used to perform data communication with the data reception apparatus does exist in the individual compatibility information storage, the data transmission apparatus performs function changing to suit the data communication functions used to perform data communication with the data reception apparatus and on completion of the function changing, transmits a function change completion signal to the data reception apparatus indicating the function changing is complete and transmission of data is possible.” *Emphasis added.*

The Examiner alleges that by transmitting data when function changing is complete, the transmission of a function change completion signal to the data reception apparatus indicating the function changing is complete and transmission of data is possible would be inherent. Applicants respectfully disagree.

The feature of transmitting a function change completion signal to the data reception apparatus indicating the function changing is complete and transmission of data is possible is not taught, suggested, or inherent in the disclosure of Dureau.

Dureau merely discloses a proxy receiver transcodes and processes received content in a manner which makes the content compatible and receivable by receiving devices. However, the

receiving devices will processes any received content without knowing if the function changing is actually completed, for example, if the proxy receiver malfunctions and does not perform any function changing or a proxy receiver installed in the system does not include the capability of performing any function changing.

For explanation only, and not for purposes of limiting the present claims, Applicants refer to paragraphs 60-61 of the present application to show embodiments of the invention that include an example of the importance of the receiver receiving the function change completion signal. For example, the user is prompted on a display that AV communication is possible and the user can now operate an input section (i.e. remote control) to request the transmission of AV data.

Further, the Examiner has referenced three way hand shaking using a SYN packet for initialization. However, the Examiner has lost sight of the claimed invention. The claimed invention includes informing the receiver that the function change is complete and not that the connection is initialized. With the alleged three way hand shaking using a SYN packet, the transmitter and receiver will still “communicate” but with a different format.

Claim 1 is submitted to be allowable over Dureau for at least this reason.

Dependent claims 17-19, 21, and 28 are allowable for the deficiencies of the Dureau reference for independent claim 1 as set forth above.

It is respectfully requested that the Examiner either allow claims 1, 17-19, 21, and 28 or provide evidence of how Dureau inherently transmits the function change completion signal on the completion of the function changing.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 17-19, 21, and 28 under 35 U.S.C. § 102(e). Reconsideration and allowance of claims 1, 17-19, 21, and 28 are respectfully requested for at least these reasons.

Argument 2) features of claims 5 and 36 not taught by Dureau:

Independent claim 5 recites, *inter alia*, “a decryption section to decrypt data received from the data reception apparatus...wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception

apparatus, the high-frequency signal is converted to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption.” *Emphasis added.*

The Examiner alleges that by Dureau merely stating a process of encryption, converting a high-frequency signal to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption when the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus would be inherent. Applicants respectfully disagree.

The feature of converting a high-frequency signal to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption when the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus is not taught, suggested, or inherent in the disclosure of Dureau.

Dureau merely discloses processing content as appropriate (i.e. digitizing, compressing, packetizing, and encrypting; see paragraphs 26 and 36) which is a blanket statement included in the Dureau’s disclosure. Thus, Dureau does not include any details on how digitizing, compressing, packetizing, and encrypting are specifically used.

By the use of Dureau’s blanket statement, Dureau, at most, discloses the system to be designed with or with a feature of compression/decompression, encryption/decryption, etc.

Thus, Dureau does not teach, suggest, or have an inherent disclosure of a decryption section to decrypt data received from the data reception apparatus...wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus, the high-frequency signal is converted to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption.

Claim 5 is submitted to be allowable over Dureau for at least this reason.

Independent claim 36 is allowable for similar reasons as set forth above in reference to independent claim 5. Dependant claim 37 is allowable for the reasons set forth above with regards to claim 36 at least based on their dependency on claim 36.

It is respectfully requested that the Examiner either allow claim 5 or provide evidence of how Dureau inherently converts a high-frequency signal to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption when the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 5 and 36-37 under 35 U.S.C. § 102(e). Reconsideration and allowance of claims 5 and 36-37 are respectfully requested for at least these reasons.

Argument 3) features of claims 32 and 38 not taught by Dureau:

Independent claim 32 recites, *inter alia*, “the data transmission apparatus uses the protocol associated with the first identifier to transmit data **directly** to data receiving apparatus using the protocol that conforms to the protocol of the data receiving apparatus.” *Emphasis added.*

Dureau discloses a system (figure 1) including a client receiver configured to act as a proxy receiver (figure 1 element 12) for other receiving devices (figure 1 elements 30A-D). The proxy receiver is configured to receive content from broadcast station (figure 1 element 16) or other sources (figure 1 element 18 and 19), which is received in a format not compatible with the receiving devices. The proxy receiver is further configured to transcode and process the received content in a manner which makes the content compatible and receivable by receiving devices, and convey the processed content to a receiving device (paragraph 28). Thus, the proxy receiver is an intermediate device.

The claimed invention includes the data transmission apparatus **directly** communicating with the data receiving apparatus using a protocol that conforms to the protocol of the receiving apparatus. Dureau system uses the proxy receiver as an intermediate device which corrects the

format where the receiving devices and the broadcast station do not directly communicating with each other using a protocol that conforms to the protocol of the receiving devices.

Claims 32 is submitted to be allowable over Dureau for at least this reason.

Independent claim 38 is allowable for similar reasons as set forth above in reference to independent claim 32. Dependent claim 33 is allowable for the deficiencies of the Dureau reference for independent claim 32 as set forth above.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 32-33 and 38 under 35 U.S.C. § 102(e). Reconsideration and allowance of claims 32-33 and 38 are respectfully requested for at least these reasons.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 2-4, 6-8, 9-16, 20, 22-27, 29-31, 34, 35 and 39 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau (U.S. Patent Publication No. 2003/0135860 A1) and additional references.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Argument 2b) features of claim 25 not taught by Dureau:

Independent claim 25 is allowable for similar reasons as set forth above in reference to independent claim 5.

Argument 3b) features of claim 23 not taught by Dureau:

Independent claim 23 is allowable for similar reasons as set forth above in reference to independent claim 32.

Dependent claims allowable:

Dependent claims 2-4, 6-8, 9-16, 20, 22, 24-27, 29-31, 34, 35 and 39 are allowable for the deficiencies of the Dureau reference for independent claims 1, 5, 23, 25, 32, and 38 as set forth above.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Dureau and additional references cited, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-39 are distinguishable over the cited references.

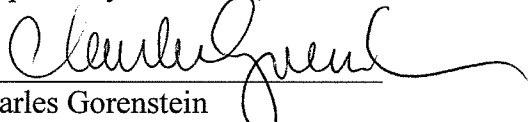
In view of the above remarks, it is believed that the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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